

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**IN RE: ARC AIRBAG INFLATORS  
PRODUCTS LIABILITY LITIGATION**

**MDL No. 3051**

**Case No: 1:22-md-03051-ELR**

**DECLARATION OF MAGNUS WEISS IN SUPPORT OF SPECIALLY  
APPEARING DEFENDANT AUDI AG'S MOTION TO DISMISS FOR  
LACK OF PERSONAL JURISDICTION (FED. R. CIV. P. 12(b)(2))**

I, Magnus Weiss, declare that:

1. I am over eighteen years of age. I make this Declaration in support of Specially Appearing Defendant Audi Aktiengesellschaft ("AUDI AG") concurrently filed Motion to Dismiss for Lack of Personal Jurisdiction. The facts set forth in this Declaration are based on my personal knowledge, on matters known to me in the course of employment by AUDI AG, or on particular matters made known to me that, consistent with my experience, I believe to the best of my knowledge to be reliable and true. If called as a witness, I could and would testify to the following.

2. Currently, I am employed by AUDI AG as an product expert. I am personally familiar with and knowledgeable about the business functions and organization of AUDI AG. I am authorized to execute this Declaration on behalf of AUDI AG.

3. I understand that Plaintiffs' Corrected Consolidated Class Action

Complaint captioned *In re: ARC Airbag Inflators Products Liability Litigation* filed in the United States District Court for the Northern District of Georgia, Atlanta Division, Case No. 1:22-md-03051-ELR alleges that the airbag inflator installed in Plaintiff Eva Jacinto's 2016 Audi A3 (VIN: WAUA7GFF4G1061972) is defective. Jacinto alleges that she purchased her vehicle used from an Audi dealership in Rancho Mirage, California. I understand that Ms. Jacinto is a plaintiff in an action captioned *Knapp v. Volkswagen Aktiengesellschaft et. al.*, Case No. 1:23cv889, pending in the Eastern District of Virginia.

#### AUDI AG

4. AUDI AG is organized under the laws of the Federal Republic of Germany and maintains its principal place of business in Ingolstadt, Germany. AUDI AG is an "Aktiengesellschaft" which is a German stock company. AUDI AG conducts its operations from Germany.

5. AUDI AG is not incorporated anywhere in the United States, including Virginia. Nor is it registered to do business in Virginia.

6. AUDI AG does not design and manufacture Audi vehicles in the US. AUDI AG does not sell vehicles in the United States, nor does AUDI AG implement any distribution system, marketing strategy, or marketing campaign for Audi vehicles sold or leased in the United States. AUDI AG does not maintain a dealer network in the United States. AUDI AG does not issue or administer vehicle

warranties to consumers for Audi vehicles sold or leased in the United States.

7. AUDI AG has no agent for service of legal process in Virginia. Nor has AUDI AG designated any entity as its agent for service of legal process in Virginia.

8. AUDI AG is not a taxpayer in Virginia.

9. AUDI AG does not have an office, factory, warehouse, or research facility in the United States, including in Virginia.

10. AUDI AG does not own, use, or possess any real property situated within Virginia.

11. AUDI AG does not employ individuals in Virginia.

12. AUDI AG does not maintain bank accounts in Virginia.

13. While AUDI AG has registered the name "Audi" and the four interconnected rings that appear on its vehicles with the U.S. Patent and Trademark Office, such registration is necessary to prevent persons or entities from appropriating its brand and intellectual property in the United States. AUDI AG similarly registers its trademarks in other countries around the world. AUDI AG licenses its trademarks to VWGoA.

**Volkswagen Group of America, Inc. ("VWGoA")**

14. VWGoA is the exclusive entity that imports, distributes, markets, advertises, and sells AUDI AG-manufactured vehicles in the United States.



VWGoA sells vehicles to independent dealerships who, in turn, sell and lease vehicles to consumers. In connection therewith, VWGoA does business as “Audi of America, Inc.” “Audi of America, Inc.” is a trade name and operating unit of VWGoA and is not a separate entity.

15. VWGoA is incorporated under the laws of New Jersey, and it is headquartered in Reston, Virginia. VWGoA is a wholly owned subsidiary of Volkswagen International America, Inc. (“VWIA”), which is a wholly owned subsidiary of Volkswagen Aktiengesellschaft (“Volkswagen AG”).

16. VWGoA is a separate, distinct, and independent corporate business entity from AUDI AG.

17. VWGoA purchases Audi-branded vehicles from AUDI AG in Germany, and ownership of those vehicles passes to VWGoA in Germany. VWGoA, not AUDI AG, imports Audi vehicles to the United States. VWGoA, not AUDI AG, holds the dealer agreements with authorized Audi dealers in the United States. VWGoA, not AUDI AG, determines which dealers are authorized to sell, lease and service Audi vehicles in the United States. VWGoA sells Audi vehicles to authorized Audi dealerships, which are independent businesses that sell and lease Audi vehicles to consumers.

18. VWGoA, not AUDI AG, provides warranties to consumers in connection with new Audi vehicles sold and leased in the United States. VWGoA,

not AUDI AG, administers those warranties.

19. After VWGoA purchases the vehicles it chooses from AUDI AG, VWGoA has complete and exclusive decision-making authority, control, discretion, and oversight concerning which vehicles will be allocated and sold to independent, authorized dealerships located in Virginia or any other state. VWGoA decides how and whether to market such vehicles, and independent dealerships can also market vehicles.

20. AUDI AG has neither authority nor control over VWGoA's decisions regarding which vehicles VWGoA will deliver to, market, or sell in any particular state, including Virginia.

21. VWGoA's offices, facilities, board of directors, officers, and employees are separate from those of AUDI AG. AUDI AG does not manage VWGoA's finances or payroll, and the companies do not share accounts. Further, AUDI AG does not exercise day-to-day control over VWGoA or any authorized Audi dealer in the United States, all of whom are separate, independent businesses from AUDI AG.

22. AUDI AG and VWGoA each have their own separate procedures and policies for their respective operations.

**Audi of America, LLC ("AoA, LLC")**

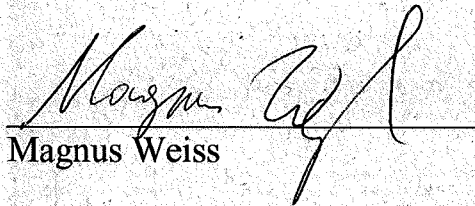
23. I understand that Plaintiffs' Consolidated Corrected Amended



Complaint (“CAC”) alleges that AoA, LLC is “the importer and distributor of Audi brand vehicles sold in the United States.” CAC ¶ 132. This allegation is incorrect. As discussed above, VWGoA, doing business as Audi of America, Inc., is the exclusive importer and distributor of Audi vehicles sold in the United States, not Audi of America LLC.

I declare, under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on January 23<sup>rd</sup>, 2025 in Ingolstadt, Germany.

  
Magnus Weiss